



Government Summation PowerPoint

Robert Caliendo

to:

ForrestNYSDChambers@nysd.uscourts.gov

08/31/2017 02:52 PM

Cc:

Maurice Sercarz, Jon Savella, "mnurik@bgrfirm.com", "katiestu@gmail.com", "Sidransky, Jake (USANYS) [Contractor]", "Cooper, Richard (USANYS)", "Paul, Sarah (USANYS) 1", "Beidel, Jennifer (USANYS)"

Hide Details

From: Robert Caliendo <RCaliendo@sercarzandriopelle.com> Sort List...

To: "ForrestNYSDChambers@nysd.uscourts.gov"

<ForrestNYSDChambers@nysd.uscourts.gov>

Cc: Maurice Sercarz <MSercarz@sercarzandriopelle.com>, Jon Savella <jonathan.savella@gmail.com>, "mnurik@bgrfirm.com" <mnurik@bgrfirm.com>, "katiestu@gmail.com" <katiestu@gmail.com>, "Sidransky, Jake (USANYS) [Contractor]" <Jake.Sidransky@usdoj.gov>, "Cooper, Richard (USANYS)" <Richard.Cooper@usdoj.gov>, "Paul, Sarah (USANYS) 1" <Sarah.Paul2@usdoj.gov>, "Beidel, Jennifer (USANYS)" <Jennifer.Beidel@usdoj.gov>

1 Attachment



Government Summation Powerpoint.pdf

Dear Judge Forrest's Chambers,

Per Tuesday's request, we respectfully ask that the attached PowerPoint - from the government's summation - be marked as a court exhibit. T2.2762-63.

Thank you,

Robert Caliendo

Ordered

Put to exhibit.

KTS, Joe
CDS

9/1/17



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1 Attachment



Government Summation Powerpoint.pdf

Dear Judge Forrest's Chambers,

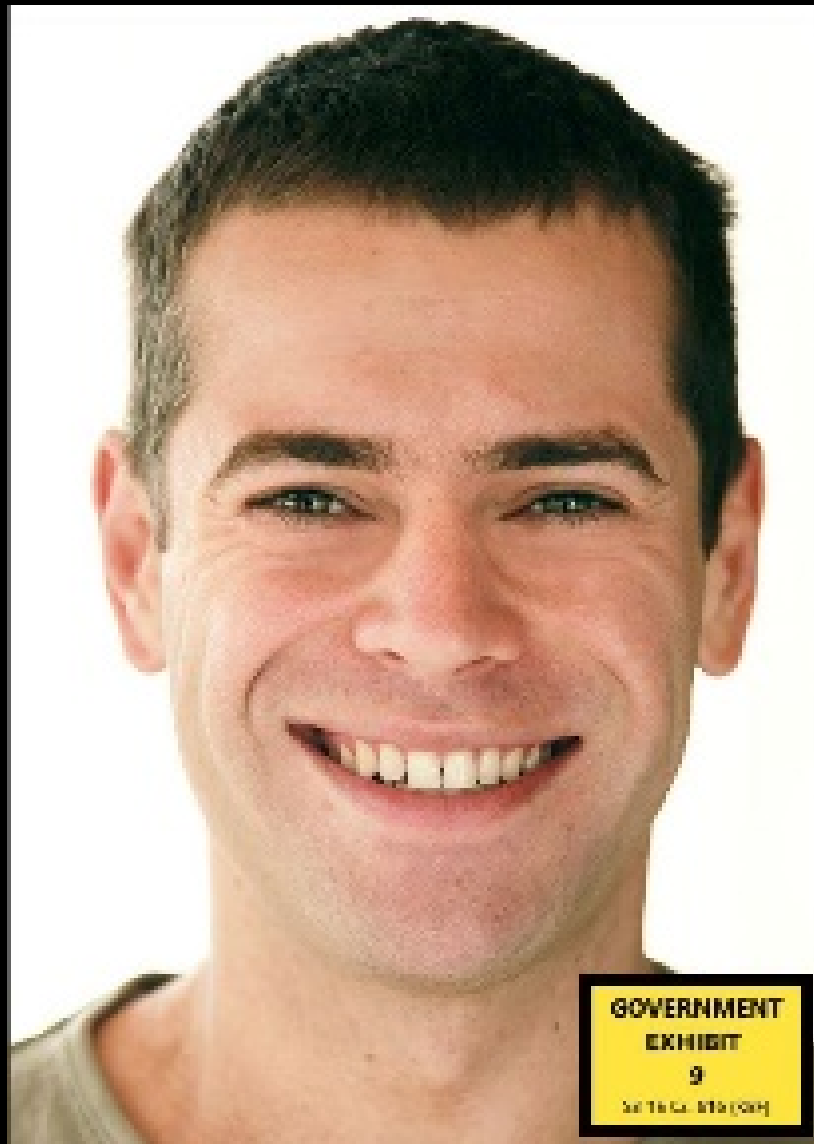
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Thank you,

Robert Caliendo

United States v. Wedd & Thompson Government Summation





The Tatto Scheme

TATTO

2009:

- Tatto is sued by Washington State AG.





STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON, NO. **09-2-11297-5 SEA**
Plaintiff, CONSENT DECREE
v.
TATTO MEDIA, INC., a Washington
for-profit corporation,
Defendant.

I. DECREE SUMMARY

- 1.1 Decree Creditor: State of Washington
- 1.2 Decree Debtors: Tatto Media, Inc
- 1.3 Principal Decree Amount:
 - a. Costs and Fees: \$12,727.50
 - b. Civil Penalties: \$737,272.50, provided that \$250,000 is
suspended conditioned upon compliance
with the terms of the Consent Decree.
 - c. Total Payable Judgment: \$500,000.00
- 1.4 Post-Decree Interest Rate: 12 percent per annum
- 1.5 Attorneys for Decree Creditor: Paula Selis, Senior Counsel

CONSENT DECREE

1

ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7745

**GOVERNMENT
EXHIBIT
202-A**
S3 15 Cr. 616 (KBF)

Approved for Entry and Presented by:

ROBERT M. MCKENNA
Attorney General

Paula Selis
PAULA SELIS, WSBA #12833
Senior Counsel
State of Washington
Attorneys for Plaintiff

Approved for Entry, Notice of Presentation
Waived:

K&L GATES LLP

Theodore J. Angelis
THEODORE J. ANGELIS, WSBA #30300
Attorney for Defendant Tatto Media, Inc.

Alan Sege
ALAN SEGE
Attorney for Defendant Tatto Media, Inc.

TATTO

2010 – May 2011:

- Tatto operates on full service platform.



TATTO

May 2011:

- Wedd approves Tatto moving to aggregation platform.



Original Message-----

From: Erdolo Eromo

Sent: Tuesday, May 17, 2011 11:10 AM

To: Darcy Wedd (Darcy.Wedd@mobilemessenger.com)

Cc: Erdolo Eromo(erdolo.eromo@mobilemessenger.com); Fraser Thompson; Amy Dudman (Amy.Dudman@mobilemessenger.com)

Subject: Tatto Meeting - Quick update

Importance: High

Executive Summary:

Tatto is currently doing over 10k new leads per day in the USA through all their codes with MBLOX and 4k new leads per day in CA and selling it off on CPA. Their MM short codes are bringing in 300 subs a day right now with plans of stopping new subs after Q2. With this client evolving at a rapid pace the play we have for their business is on the aggregation side. For your review, I have highlighted bullet points from my meeting with them.

Tatto Wants:

Aggregating contract for the following:

US

CA

NZ

Tatto will send their current contract with Mblox over to MM to see if we can match their rates.

Tatto would like to get two of their small shortcodes transferred over to agg side immediately after new contracts have been signed so that they can get new subs to us ASAP.

-----Original Message-----

From: Darcy Wedd

Sent: Tuesday, May 17, 2011 11:14 AM

To: ErdoloEromo;Darcy Wedd

Cc: ErdoloEromo;Fraser Thompson; Amy Dudman

Subject: RE:Tatto Meeting - Quick update

Thanks EE.Good intel.

Do we know how long they have been pushing 10k subs a day through mBlox?

And do we know how many subs a day Bullroar are doing through mBlox?

TATTO

August 2011:

- Tatto starts auto-subscribing on aggregation platform.



h81ywed2

Miao - Direct

Page 1016

1 A. We would use them to auto-subscribe.

2 Q. Can you remind us of approximately when you began to do
3 that with Mobile Messenger.

4 A. In August of 2011.

5 Q. Now, when you first started to auto-subscribe on those
6 short codes at Mobile Messenger, did you tell Erdolo Eromo what
7 you were doing?

8 A. No.

9 Q. Did you tell Darcy Wedd what you were doing?

10 A. No.

11 Q. Did you tell Michael Paj what you were doing?

12 A. No.

13 Q. Why didn't you tell any of them that you were
14 auto-subscribing at that time?

15 A. I didn't need their permission to auto-subscribe. I
16 already got the contract from Erdolo. The short codes were
17 provisioned on their aggregation side, and we could start
18 auto-subscribing phone numbers right away. I didn't need
19 anyone else's permission to do it.

20 Q. So, in your view, you didn't see a need to tell them. Is
21 that fair?

22 A. That's correct.

23 Q. Let me direct your attention now to September of 2011.

24 In September of 2011, did there come a time when
25 Mobile Messenger caught you auto-subscribing on one of these



TATTO

September 15 – 16, 2011:

- Tatto aggregation audit reveals
Tatto is auto-subscribing on
short code 60206



From: Darcy Wedd

Sent: Thursday, September 15, 2011 3:12 PM

To: Michael Paj; Jonathan Murad

Subject: Tatto Aggregation audit

Paj/Jon,

With our concerns over Bullroar and Tatto's relationship with them. Lets get full audit of Tatto's agg codes done asap.

I have my call with Bullroar CEO tonight.

Cheers

From: Jonathan Murad

Sent: Thursday, September 15, 2011 8:01 PM

To: Darcy Wedd; Michael Paj

Subject: RE: Tatto Aggregation audit

We checked the last 2 weeks of logs. I would check VzW devices but it seems open and shut from the analysis below, let me know if you want us check though.

Negative Highlights:

1. billing anniversaries with content messages - 16k attempted billable anniversary MT's with content messages.
2. 99% conversion rate
3. Pin/welcome time gap a perfect bell shaped curve
4. 17k failed PIN MT then subscribed – definitely forcing subs
5. 742 blanked billed MT's on Verizon
6. No anniversary reminder MT after blank AT&T auto-renewal
7. For fatal errors they retry a specific number of times then give up
8. Verizon billing ratio really low, 16%
9. Have not downloaded a deactivation file to process for unsub.

From: "Darcy Wedd" <Darcy.Wedd@mobilemessenger.com>
Date: Fri, 16 Sep 2011 10:18:36 -0700
To: <andrew@tattomedia.com>
Cc: <Michael.paj@mobilemessenger.com>
Subject: FW: Tatto Aggregation audit

Hi Andy,

Paj will give you a call to discuss. We will need to get you to pause new subs on 60206 while we work through these items.

Thanks

H8P3WED2

Wedd - Direct

Page 2254

1 Michael Paj?

2 A. I sent an e-mail to Andrew Bachman from Tatto and copied
3 Michael Paj with an instruction to both.

4 Q. Michael Paj was at that time an owner of Tatto Media; am I
5 correct?

6 A. Andrew Bachman was an owner of Tatto Media.

7 Q. Was it customary to send content providers copies of Mobile
8 Messenger's velocity reports?

9 A. No, it wasn't. These reports were fairly new at this
10 stage. Definitely not customary to forward them on.

11 Q. All right. Nonetheless, in the message you said "Paj will
12 give you a call to discuss. We will need to get you to pause
13 new subs on 60206 while we work through these items."

14 First of all, what did you mean by the phrase "pause
15 new subs"?

16 A. Stop acquiring new subscribers on that short code.

17 Q. What did you mean when you said "while we work through
18 these items"?

19 A. For Michael Paj to work with the content provider to
20 discuss the issues and the negative highlights contained in the
21 e-mail.

22 Q. For what purpose?

23 A. To identify what the issue was. Looking in detail at these
24 negative highlights, it doesn't necessarily jump out to me then
25 exactly what the issue was. Tatto were an important client. I



H8fywed3

Pajaczkowski - Direct

Page 259

- 1 A. It's from Darcy.
- 2 Q. Who is it to?
- 3 A. Andrew@tattomedia.com.
- 4 Q. Who is that?
- 5 A. That's Andrew Bachman.
- 6 Q. Was he a partner of Lin Miao who we discussed earlier?
- 7 A. He was, yes.
- 8 Q. Mr. Wedd writes, "Hi, Andy. Paj will give you a call to
- 9 discuss."
- 10 Do you see that?
- 11 A. Yes.
- 12 Q. Can you read the next sentence, please.
- 13 A. "We will need to get you to pause new subs on 60206 while
- 14 we work through these items."
- 15 Q. What does it mean to pause new subs?
- 16 A. It means that we are requesting the content provider to
- 17 voluntarily stop bringing in new subscribers on that short
- 18 code.
- 19 Q. What is 60206?
- 20 A. It's a short code of Tatto's.
- 21 Q. Did you talk to Mr. Wedd prior to his sending this email
- 22 about why Mobile Messenger would ask Tatto to pause new
- 23 subscribers on that short code?
- 24 A. We did, yes.
- 25 Q. Describe that conversation, please.

- 1 A. That Tatto were clearly auto-subscribing on that short code
- 2 and that we needed them to pause so they could either stop
- 3 doing it or to create a better scheme that would remain
- 4 undetected.



TATTO

October 10, 2011:

- Wedd gives Miao permission to keep auto-subscribing.



h81ywed2

Miao - Direct

Page 1025

1 at Mobile Messenger.

2 Q. So, focusing on the last part of what you said, you had
3 been caught auto-subscribing at this time. Is that right?

4 A. Yes.

5 Q. So why did you turn to him at that time in particular?

6 A. He shut us down, and it was him that shut us down that I
7 learned from Andrew. It was a top-level down shutdown. It
8 wasn't just another employee at Mobile Messenger. This was
9 right from the top. I believed the only person, the only
10 person that could turn us back on, would be Darcy.

11 Q. I think you also testified that in response, he said that
12 other people had been auto-subscribing.

13 A. Yes.

14 Q. What do you recall about that part of the conversation?

15 A. He told me we weren't the first ones. He told me that
16 other people were already doing it and that they've been doing
17 it for some time and that what we were doing was potentially
18 jail time.

19 Q. Did you tell Mr. Wedd that you wanted to continue
20 auto-subscribing?

21 A. Yes.

22 Q. At Mobile Messenger specifically?

23 A. Yes.

24 Q. What was Mr. Wedd's response?

25 A. Our conversation led to him telling me about his situation



9 Q. So, when you told him you wanted to keep on
10 auto-subscribing, did he say yes or no?

11 A. Yes.

12 Q. What do you recall about that part of the conversation?

13 A. He told me that we could continue and that it would be a
14 win for all parties but that we needed to fix the audit, and
15 that was very, very important, if we were able to keep the
16 business for a long time.

17 The path to auto-subscribing could be \$10,000,000,
18 \$20,000,000, \$100,000,000. If we were going to do it and have
19 any longevity in it, then we needed to do it right, meaning
20 that we needed to camouflage what we were doing and make it
21 look natural in case we got caught, and he told me that I would
22 need to go to Michael Paj as the next step to make that happen.



h81ywed2

Miao - Direct

Page 1028

1

2 Q. When Mr. Wedd said that this would be a win for all
3 parties, what did you understand him to mean?

4 A. Yes. When he told me that it would be a win for all
5 parties, that the declining revenues at Mobile Messenger would
6 be fixed by a business move like this, meaning that when Mobile
7 Messenger had experienced declining revenues because of how
8 difficult it was to get subscribers, bringing on Tatto to
9 auto-subscribe at ten thousand-plus subscribers a day would
10 help alleviate some of those losses. So it would be a win to
11 Mobile Messenger, it would be a win to myself, and it would be
12 a win for Darcy.



H8M3WED3

Eromo - Direct

Page 1463

1

2

3 Q. Approximately when were those discussions?

4 A. In 2012 and 2013.

5 Q. What do you recall about those discussions with Mr. Wedd?

6 A. Again, it was many conversations. Specifically around the
7 content provider business, the conversation was to show more
8 revenue. So where typically content providers would negotiate
9 their rates down, Darcy Wedd instructed me to give more money
10 to Mobile Messenger by negotiating. So we weren't really
11 negotiating, because it was us. But we gave Mobile Messenger
12 more money and then we talked around why. Making Mobile
13 Messenger earn more money will put him in a better position to
14 negotiate with the board about being CEO of the company, and
15 the same on the aggregation side as well. Same conversations
16 we had in 2012 about why we're giving Zhenya the rates and his
17 desire to be CEO of the company.

18 Q. So did he express to you then that if Mobile Messenger made
19 more money, he felt it would put him in a better position to
20 become CEO?

21 A. To negotiate, yes, his package.

22 Q. All right. Let's go back to Zhenya. Did there come a time
23 when Zhenya stopped using CF and Digi to auto-subscribe new
24 phone numbers?

25 A. New phone numbers, yes.



TATTO

October 11 – 19, 2011:

- Wedd instructs Paj to work with Miao to improve the auto-subscribing scheme



17 Q. Did Mr. Wedd say why he wanted your assistance?

18 A. There were a couple of reasons, the first being that I was
19 an expert at everything that was needed to avoid detection, and
20 as I knew all of the systems and metrics and tests that would
21 be conducted and I also managed all of the relationships with
22 all the carriers, I would be in the best possible position to
23 continue to keep the Tatto scheme undetected.

24 Also I had direct access to millions and millions of
25 phone numbers that Tatto would need to increase revenue on

H8fywed3

Pajackowski - Direct

Page 262

1 their short codes. Also that, I guess finally, it was an
2 opportunity for me personally to make a lot of money, and he
3 was -- he and I were very close friends, and he was happy with
4 the opportunity for me to work with Tatto to earn a lot of
5 money.



TATTO

October 20, 2011:

- Wedd, Miao, and Bachman discuss auto-subscribing over more short codes.



From: Darcy Wedd
To: andrew@tattomedia.com; lin@tattomedia.com
Subject: RE: Dinner
Date: Thursday, October 20, 2011 1:55:46 AM

Wicked.

9pm reservation for the Three Stooges.

Madeo Restaurant
8897 Beverly Blvd
West Hollywood, CA 90048
(310) 859-0242

See you then.

9 Q. Did you meet with Mr. Bachman on or about October 20, 2011?

10 A. Yes.

11 Q. Generally speaking, what prompted the dinner?

12 A. The discussion for short codes.

13 Q. By this point in time, had you already had the meeting with

14 Mr. Wedd in San Diego that you have already testified about?

15 A. Yes.

16 Q. Had you already met with Michael Paj in Los Angeles?

17 A. Yes.

18 Q. During this dinner that you had with Mr. Wedd and

19 Mr. Bachman, did you discuss anything?

20 A. Yes.

21 Q. Generally speaking, what do you recall about that

22 discussion?

23 A. We discussed that we have everything ready to go, and it's

24 time to make a lot of money, but we needed the short codes to

h81ywed2

Miao - Direct

Page 1034

1 be moved over, and we needed all of our short codes to be moved

2 over from the full-service side, even some of our legacy short

3 codes that we had with Mobile Messenger since 2007.

4 That's what we discussed with Darcy. We addressed

5 that Andrew and I talked about with Darcy. We addressed our

6 concern to him about that, and he said, no problem, that he'll

7 take care of it.

8 Q. To be clear, why did you want to move those short codes

9 over to the aggregation side at this time?

10 A. It was the only way to auto-subscribe through Mobile

11 Messenger was on the aggregation side.



TATTO

October 28, 2011:
• Tatto receives the
auto-subscribing
playbook.




Hey Paj 2

1 message

Andy <shaboommedia@gmail.com>

To: Lin Miao <ilinmiao@gmail.com>

Fri, Oct 28, 2011 at 11:24 PM

File 2 **2.txt**
1436K

```

type,mdn,IP address
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40030,12012087441,
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40040,18592856835,184.43.9.211
40030,18592859639,
40040,18592981120,74.131.50.97
40040,18592981120,170.185.110.19
40040,18592981284,74.234.142.20
40040,18592985010,184.43.68.91
40040,18592985010,184.43.59.187
40040,18592985126,
40040,18592985344,76.177.128.80
40040,18592985563,64.191.180.2
40040,18592988146,76.177.121.104
40030,18592988915,
40030,18593127513,
40030,18593173077,
40030,18593190325,76.177.128.150
40030,18593190325,
40040,18593191393,76.177.199.116
40040,18593191393,76.177.220.228
40040,18593191580,67.141.23.137
40040,18593191745,76.177.69.238
40040,18593191745,173.197.151.37

```


TATTO

November 2011:

- Tatto continues to auto-subscribe.
- Wedd receives a Rolex from Bachman as a thank you.



16 Q. And I believe you testified that you asked him about those
17 changes to his lifestyle. Do you recall that?

18 A. Yes, ma'am, I do.

19 Q. I also think you said in response he implied that he had
20 some things going on with Darcy Wedd. Do you recall that?

21 A. Yes, I do.

22 Q. What do you recall him saying about that?

23 A. That's really, as of late 2011, that I recall him saying
24 that he had some side deals with Darcy and just like relax,
25 because I kept pressuring him to, you know, what's going on,

H8LAWED4ps

Page 1283

1 what can I be involved in.



TATTO

December 1, 2011:

- Wedd is told that Tatto short code 60206 is "taking back off" and "making \$".



AT&T Items

From: Matthew Datillo <matthew.datillo@mobilemessenger.com>
To: Michael Paj <michael.paj@mobilemessenger.com>, Darcy Wedd <darcy.wedd@mobilemessenger.com>
Date: Thu, 01 Dec 2011 13:59:05 -0500

Hi Guys,

FYI in case you wanted to add any items for my call with Lem today:

- SC 60206 no suspension request (asked to keep strike but not suspend new subs for RR on a code that's just taking back off and is running 9% for November and making \$)
- New CP Applications (Lem has looked askance at two recent new CP applications from Canadian CP's that we've supplied W-9's and the full application, but he was concerned about the lack of more than a one page website and that there are a bunch from Canada)
- Cert
 - Delays (we have 17 campaigns outstanding since 11/1)
 - Documentation (WMC has a "playbook" they're going by and we're requesting a copy)

TATTO

January 2012:

- Susan Marion is auto-subscribed by Tatto on short code 60206.



From: John CP [mailto:John.CP@...]
 Sent: Tuesday, January 17, 2012 6:29 PM
 To: Marion, Susan S
 Cc: Chris Pachus
 Subject: RE: 60206- *urgent

Hi Susan,

5

Our investigation into this matter is ongoing. Below is just what we were provided by the CP and I wanted to get it through to you ASAP. Clearly from your own account something unusual has taken place here. So, whilst we conduct this investigation Mobile Messenger is going to block all new subscriber acquisition on this short code. That way we prevent any further user harm from occurring.

The CP is providing Mobile Messenger with their full support and we are working at full speed to get to the bottom of this. Our initial reports from the CP is that there were a small number of users (less than 500) where the opt-ins generated by one of their marketing partners looked suspicious.

Galactic Media has confirmed that they do use a secure algorithm to randomize their PINs as they are generated and sent to the users. Through their investigation into this issue, they believe that this PIN generation system was not compromised. They also investigated whether their servers were compromised and if anyone gained root access to their platform. Both of these scenarios were ruled out as possible causes of this breach.

From Galactic Media's investigation, they have discovered that, the affiliate found a **Brute-force attack** weakness within their "Verify PIN" API. Galactic Media has identified ALP Interactive Limited as the only affiliate that was systematically abusing the "Verify PIN" API, using a **Brute-force attack** to crack the PIN. So far they have identified approximately 500 MINs that were attempted to be subscribed in this manner. The CP is working with us to provide these MINs with refunds.

For your information, Wikipedia describes a **Brute-force attack** or exhaustive key search, as a strategy that can in theory be used against any encrypted data by an attacker who is unable to take advantage of any weakness in an encryption system that would otherwise make his/her task easier. It involves systematically checking all possible keys until the correct key is found.

To be sure, more sophisticated systems (like our own MEP platform) have dynamic monitoring in place to identify and prevent **Brute-force attacks**. In this instance Galactic Media's system was not up to industry standards in terms of security as they had no mechanism to identify systematic or **Brute-force attacks**. A significant majority of short codes operated through Mobile Messenger in the USA utilize our Subscription Management and Managed Opt-in Platform (MEP) ; **Brute-force attacks** within MEP are impossible, as such this is not a wide spread issue.

We have taken the additional action to reach-out to the remaining Mobile Messenger aggregation clients and have confirmed that: 1) They do not work with ALP Interactive Limited and 2) Their systems have security measures that prevent **Brute-force attacks**.

As more information is revealed through the investigation I will pass it through to you.

Please let me know if you have any other questions.

Case 1:15-cv-00516-KBF Document 495 Filed 09/01/17 Page 44 of 116

From: Michael Paj [mailto:Michael.paj@mobilemessenger.com]
Sent: Monday, January 23, 2012 2:50 PM
To: Marion, Susan S
Cc: Chris Pachus
Subject: RE: 60206- *urgent

Hi Susan,

Sorry for the delay in getting back to you. I have been working closely with our Client and wanted to check the information that they provided to Mobile Messenger to confirm its accuracy.

For the record, this short code has been blocked by Mobile Messenger to ensure that **ZERO new subscriptions** can be activated. This block will remain in place until such time as the content provider has proven that this **security exploit** has been resolved appropriately.

The CP provided me with 531 unique MINs that they can identify as being acquired through activity described below. From these I had my team produce a refund file for VzW to process (we can also process the refunds if you like). The CP is supremely confident that this incident was limited to these users as the pattern of behavior (from their marketing partners) is very unique.

Please let me know if you need any more information.

Best,

Michael Pajczkowski
Vice President: Carrier Operations & Consumer Protection

From: Darcy Wedd
Sent: Thursday, January 26, 2012 2:38 PM
To: Michael Paj; Erdolo Eromo
Subject: FW: 40544

Hey Paj,

See below. Isn't there a **new subs freeze** on Tatto agg while they improve some **security issues** on their platform?

GOVERNMENT
EXHIBIT
174
53-15-Cv-016 (KBP)

GOVERNMENT
EXHIBIT
180
53-15-Cv-016 (KBP)

TATTO

February 2012:

- Susan Marion is billed again by Tatto on short code 60206.



Case 1:15-cv-00616-JEP Document 495 Filed 09/01/17 Page 46 of 116

From: Michael Paj [mailto:Michael.paj@mobilemessenger.com]
Sent: Thursday, February 16, 2012 4:38 PM
To: Marion, Susan S
Cc: Chris Pachus
Subject: RE: 60206- *urgent

Hi Susan,

Chris escalated to me yesterday, that you were rebilled from short code 60206. I was shocked and appalled at this situation. I escalated immediately to the CP to ask for a please explain..

The bottom line is that the CP did not process the unsubscriptions properly on 185 of the original users.

I should have taken additional steps to block the users but I did not. To be sure, I had my team check the CP's unsubscription processing and it is working as it is meant to.

I have my team preparing the refund file, for your RA to process on these additional users that where rebilled, but if you wish I can have my call center team make contact with these users and issue refunds to them immediately. I could have all 185 users contacted and refunded by the end of tomorrow.

I am really embarrassed by this situation and truly appreciate your support and understanding in dealing with this matter so far. And I ask for one very last chance for this CP, please do not terminate this code.

Sincerely,

Michael Pajackowski
Vice President: Carrier Operations & Consumer Protection

From: Darcy Wedd
Sent: Friday, February 17, 2012 10:46 AM
To: Michael Paj (Michael.paj@mobilemessenger.com)
Subject: Tatto / Bullroar platform

Hi Paj,

Can you run analysis on Tatto agg unsubscribes. Normal analysis that shows any missed unsubs.

We have some subscriptions to their mblox codes and unsubs are not 100%. I assume it's the same bullroar platform that connects to m-Qube.

Thanks

GOVERNMENT
EXHIBIT
174

53 15 Cr. 616 (KBP)

GOVERNMENT
EXHIBIT
181

53 15 Cr. 616 (KBP)

TATTO

July 2012:

- Paj wires 20% cut of Tatto auto-subscribing money to Wedd.



1 had already a couple of times changed and kind of backed out of
2 an agreed arrangement.

3 So I was -- I had met with Darcy just to get his
4 opinion to see what his thoughts were on the best way to move
5 forward and see what the other implications might be.

6 Q. Did Mr. Wedd provide you with any advice?

7 A. Yes.

8 Q. What did he say?

9 A. He mostly just supported the Tatto idea that I could set up
10 a corporate account and be wired money directly into the
11 account from Tatto.

12 Q. Did you discuss changing the nature of your relationship
13 arrangement with Mr. Wedd?

14 A. I did, yes.

15 Q. Describe that conversation.

16 A. After he and I spoke and I mentioned also to Darcy that I
17 would have to kind of reciprocate that arrangement whereby I
18 would need to start wiring him money as well, and that then
19 Darcy told me that he would like me to increase his share from
20 10 percent to 20 percent.

21 Q. Did he give you a reason why?

22 A. To compensate for the tax that he would have to pay on the
23 money also that I was sending him.

24 Q. Did Mr. Wedd indicate to you whether he had paid tax on the
25 money that he had received from you in cash prior to that?



1 was missing was Verizon Wireless phone numbers. I had plenty
2 of Sprint, T-Mobile, and AT&T phone numbers, but I needed more
3 Verizon Wireless phone numbers. That was the part he gave and
4 his help and assistance in doing the audits and continuing to
5 subscribe new users.

6 Q. So, during this meeting with Paj in Los Angeles, did the
7 topic of compensating Mr. Wedd come up?

8 A. Yes.

9 Q. Can you describe that part of the conversation.

10 A. Yes. So I asked him how Darcy Wedd is going to be
11 compensated, and he immediately brushed me off and told me
12 that, don't worry about that. I'll take care of that and that
13 we're good to go.

14 Q. When Paj said that he would take care of that with respect
15 to Darcy, what did you understand that to mean?

16 A. I believed that he would take -- from the payments that I
17 would send to him, that he would take care of Darcy.

18 Q. Take care of him how?

19 A. In terms of sharing the profits with Darcy Wedd.

20 MS. PAUL: Can we have on the screen for the witness,
21 Court, and counsel Government Exhibit 287, please.

22 Q. Mr. Miao, do you recognize Government Exhibit 287?

23 A. Yes.

24 Q. What is it?

25 A. It's an email from Darcy Wedd to Andrew Bachman and myself



Wells Fargo Bank Account #2834679025
(Phwoar LLC)

TRANSACTION DATE	TRANSACTION DESCRIPTION	DEPOSIT AMOUNT	SOURCE OF DEPOSIT
5/25/2012	Wire In	27,500.00	Concise Consulting Bank of America x3512
6/7/2012	Wire In	57,500.00	Concise Consulting Bank of America x3512
6/18/2012	Wire In	238,871.06	Concise Consulting Bank of America x3512
7/10/2012	ACH In	153,320.64	Concise Consulting Bank of America x3512
7/23/2012	ACH In	89,116.16	Concise Consulting Bank of America x3512
8/16/2012	ACH In	191,195.00	Concise Consulting Bank of America x3512
9/18/2012	ACH In	251,593.40	Concise Consulting Bank of America x3512
9/18/2012	ACH In	251,593.40	Concise Consulting Bank of America x3512
10/17/2012	Wire In	426,726.33	Concise Consulting Bank of America x3512
Total		\$ 1,687,415.99	

Wells Fargo Bank Account #2834679025 (Phwoar LLC)
Bank of America Account #164103302813 (Phwoar LLC)

TRANSACTION DATE	TRANSACTION DESCRIPTION	DEPOSIT AMOUNT	SOURCE OF DEPOSIT	PHWOAR SOURCE OF DEPOSIT
5/25/2012	Wire In	27,500.00	Concise Consulting BofA x3512	WFB x9025
6/7/2012	Wire In	57,500.00	Concise Consulting BofA x3512	WFB x9025
6/18/2012	Wire In	238,871.06	Concise Consulting BofA x3512	WFB x9025
7/10/2012	ACH In	153,320.64	Concise Consulting BofA x3512	WFB x9025
7/23/2012	ACH In	89,116.16	Concise Consulting BofA x3512	WFB x9025
8/16/2012	ACH In	191,195.00	Concise Consulting BofA x3512	WFB x9025
9/18/2012	ACH In	251,593.40	Concise Consulting BofA x3512	WFB x9025
9/18/2012	ACH In	251,593.40	Concise Consulting BofA x3512	WFB x9025
10/17/2012	Wire In	426,726.33	Concise Consulting BofA x3512	WFB x9025

Total **\$ 1,687,415.99**

Difference **\$ 190,468.49**

Bank of America Account #914020651 (Ocean Tactics LLC)

TRANSACTION DATE	TRANSACTION DESCRIPTION	DEPOSIT AMOUNT	SOURCE OF DEPOSIT
5/15/2012	Wire In	101,880.66	Erdi Development BofA 6316
6/8/2012	Wire In	133,783.29	Erdi Development BofA 6316
6/8/2012	Wire In	2,000.00	Erdi Development BofA 6316
7/3/2012	Wire In	153,320.64	Erdi Development BofA 6316
8/13/2012	Wire In	176,004.75	Erdi Development BofA 6316
9/11/2012	Wire In	503,186.83	Erdi Development BofA 6316
10/12/2012	Wire In	426,771.33	Erdi Development BofA 6316

Total **\$ 1,496,947.50**

Wells Fargo Bank Account #2834679025 (Phwoar LLC)
Bank of America Account #164103302813 (Phwoar LLC)

TRANSACTION DATE	TRANSACTION DESCRIPTION	DEPOSIT AMOUNT	SOURCE OF DEPOSIT	PHWOAR SOURCE OF DEPOSIT
5/25/2012	Wire In	27,500.00	Concise Consulting BofA x3512	WFB x9025
6/7/2012	Wire In	57,500.00	Concise Consulting BofA x3512	WFB x9025
7/23/2012	ACH In	89,116.16	Concise Consulting BofA x3512	WFB x9025

Total **\$ 1,687,415.99**

Difference **\$ 190,468.49**

Bank of America Account #914020651 (Ocean Tactics LLC)

TRANSACTION DATE	TRANSACTION DESCRIPTION	DEPOSIT AMOUNT	SOURCE OF DEPOSIT
6/8/2012	Wire In	2,000.00	Erdi Development BofA 6316

Total **\$ 1,496,947.50**

Deposits and Credits

Date Posted	Amount (\$)	Description	Bank Reference
07/03	312,899.28	Wire Type:Book IN Date:120703 Time:1551 Et Trn:2012070300258260 Sndr Ref:79902564 Orig:Mdk Media Inc ID:000211573034	903707030258260
07/09	6,258.00	Wire Type:Book IN Date:120709 Time:0517 Et Trn:2012070900037612 Sndr Ref:80073968 Orig:Mdk Media Inc ID:000211573034	903707090037612
07/16	445,580.80	Wire Type:Book IN Date:120716 Time:1623 Et Trn:2012071600217418 Sndr Ref:01120716005438Nn Orig:Tatto Inc ID:004640414049	903707160217418

Withdrawals and Debits - Continued
Other Debits

Date Posted	Amount (\$)	Description	Bank Reference
07/18	173,000.00	Online Banking transfer to Sav 3444 Confirmation# 0157976118	957207187502927
07/18	89,116.16	Transfer Concise Consulting I:Phwoar Llc Confirmation# 2661020923	957107187572222
07/18	11,000.00	Transfer Concise Consulting I:Jonathan Murad Confirmation# 2661020921	957107187572228
07/19	3.00	External transfer fee - 3 Day - 07/18/2012 Confirmation: 80579624	943207190001558

$$\$89,116.16 \div \$445,580.80 = 20\%$$

01/05/12	Tatto	Concise	\$	60,116.54	
01/12/12	Tatto	Concise	\$	50,000.00	
01/18/12	Tatto	Concise	\$	60,000.00	
01/26/12	Tatto	Concise	\$	130,355.20	
02/15/12	Tatto	Concise	\$	54,514.68	
03/27/12	Tatto	Concise	\$	50,000.00	
04/11/12	Tatto	Concise	\$	43,364.22	
06/15/12	Tatto	Concise	\$	247,714.89	
07/16/12	Tatto	Concise	\$	445,580.80	
08/16/12	Tatto	Concise	\$	90,951.75	
08/21/12	Tatto	Concise	\$	58,204.64	
09/04/12	Tatto	Concise	\$	43,751.00	
09/24/12	Tatto	Concise	\$	10,026.20	
11/02/12	Tatto	Concise	\$	53,895.65	
11/19/12	Tatto	Concise	\$	15,000.00	
11/19/12	Tatto	Concise	\$	1,505.28	
12/17/12	Tatto	Concise	\$	10,261.39	
01/23/13	Tatto	Concise	\$	35,818.02	
02/19/13	Tatto	Concise	\$	59,174.77	
04/01/13	Tatto	Concise	\$	16,231.27	
05/03/13	Tatto	Concise	\$	23,464.60	\$ 1,559,930.90 Tatto Media



CONCISE CONSULTING INC

H

Combined Statement

Page 3 of 5

000057733512

Statement Period

06/01/12 through 06/30/12

EO P PA 0A 51

007

Enclosures-0

Withdrawals and Debits - Continued

Other Debits

Date Posted	Amount (\$)	Description	Bank Reference
06/07	67,000.00	Online Banking transfer to Sav 3444 Confirmation# 0109119551	957206077503046
06/08	57,500.00	Wire Type:Wire Out Date:120608 Time:1603 Et Trn:2012060800244075 Service Ref:010105 Bnf:Phwoar Llc ID:2834679025 Bnf Bk:Wells Fargo Ba Nk, N.A. ID:121000248 Pmt Det:78687814 Invoice Num Ber 002060412	903706080244075
06/08	25.00	Wire Transfer Fee	903706080244075
06/15	123,857.45	Online Banking transfer to Sav 3444 Confirmation# 0380227997	957206157503250
06/18	238,871.06	Wire Type:Wire Out Date:120618 Time:0515 Et Trn:2012061500314414 Service Ref:001822 Bnf:Phwoar Llc ID:2834679025 Bnf Bk:Wells Fargo Ba Nk, N.A. ID:121000248 Pmt Det:79029206 Sub Contrac Tor Fees	903706150314414
06/18	25.00	Wire Transfer Fee	903706150314414
06/25	7,000.00	Wire Type:Wire Out Date:120625 Time:0515 Et Trn:2012062500065192 Service Ref:001763 Bnf:Jonathan Murad ID:4864195081 Bnf Bk:Jpmorgan C Hase Bank, N.A. ID:322271627 Pmt Det:79349218	903706250065192
06/25	25.00	Wire Transfer Fee	903706250065192

22 Q. Was this an initiative that you were pushing forward?

23 A. Yes, it was.

24 Q. Mr. Wedd as well?

25 A. Yes.

H8hnwed6

Pajaczkowski - redirect

Page 900

1 Q. At the time that you were working on pushing ACM forward,
2 were you also auto-subscribing?

3 A. Yes, I was.

4 Q. What about Mr. Wedd? At the time he was pushing ACM
5 forward, was he also auto-subscribing?

6 A. Yes, he was.

7 Q. Did you personally spend a lot of time on ACM?

8 A. Yes, I did.

9 Q. In the period 2012, 2011, going to 2013, about how much of
10 your time did you spend on ACM?

11 A. A significant portion.

12 Q. What about Mr. Wedd?

13 A. A significant portion of his time.



9 Q. Were you aware that Mr. Pajaczkowski or Mr. Eromo were
10 selling ninja lists?
11 A. No, I wasn't.



To: Darcy Wedd[Darcy.Wedd@mobilemessenger.com]
From: Michael Paj
Sent: 2010-07-08T01:04:03Z
Importance: Normal
Subject: RE: Sprint Severity-1 audit - 10 Unique Creatives - Short code 20795
Received: 2010-07-08T01:04:05Z

Agree 100%. For free?

From: Darcy Wedd
Sent: Wednesday, July 07, 2010 5:40 PM
To: Michael Paj
Subject: RE: Sprint Severity-1 audit - 10 Unique Creatives - Short code 20795
I think Transworld would be good to test Ninja?

From: Andrew Bachman [mailto:andrew@tattomedia.com]

Sent: Monday, November 07, 2011 5:21 AM

To: Darcy Wedd

Subject: few things

Looking forward to playing golf on friday. Really excited!!!

1. Set up time to meet with Jonny, I've got a few synergies to knock this out of the park and get him excited.
2. Do your best to get this code moved over for me today if possible.
3. I have 2 3rd row fix to Pacquiao's fight on saturday night @ mom in vegas. Can't use em, if you and Mel want them, or if you have someone you'd like to give them to let me know.

-----Original Message-----

From: Darcy Wedd

To: Andrew Bachman

Subject: RE: few things

Sent: Nov 7, 2011 12:27 PM

Cool mate.

1. I'll setup Johnny today. Maybe Saturday on his boat? (Marina del rey)

2. Chat with you soon about the code. Shouldn't be a problem.

3. And how much for the tickets? I'll see if Steve Taylor wants them.

Looking forward to Friday too!

The Zhenya Scheme

ZHENYA

2009 – 2010:

- Zhenya develops a reputation as a bad actor.



1 relationship?

2 A. Yes. They were friends as well as he was a business
3 partner of Mobile Messenger's.

4 Q. Were you aware of Zhenya's role in the mobile phone
5 industry prior to 2012?

6 A. Yes, I was.

7 Q. What was it?

8 A. He was a content provider.

9 Q. To your understanding, did Zhenya have a reputation in the
10 mobile phone industry?

11 A. Yes, he did.

12

13

14

15

16

17

18 Q. What was that reputation?

19 A. He was one of the most prolific auto-subscribers within
20 Mobile Messenger at least.

21 Q. Now, prior to 2012, had you discussed that reputation with
22 Mr. Wedd?

23 A. Yes, I had.

24 Q. One time or more than one time?

25 A. Numerous times.



1 THE COURT: If she doesn't develop it. But, let me
2 let her develop it a little bit. Go ahead.

3 Q. Under what circumstances had you discussed with Mr. Wedd
4 Zhenya being a bad actor?

5 A. Being part of the executive team, these things are
6 discussed on a regular basis. In the executive meetings, every
7 executive presents a report to Darcy and other executives of
8 things they are in charge of. So if there is a compliance
9 issue with a particular client, it is discussed in executive
10 meeting. If there is a sales concern or a rate negotiation,
11 then the sales guys bringing up the point.

12 So this comes up many times. I've been an account
13 manager for Zhenya too. It wasn't just as an executive. I've
14 experienced it many different ways. That conversation happened
15 through my life cycle as an employee at Mobile Messenger.

16 Q. All right.

17 MS. PAUL: Can we have up Government Exhibit 148,
18 please, which is in evidence. Go to I think the second page.
19 Mr. Sidransky, if we can zoom in on the e-mail at the bottom
20 there.

21 Q. Mr. Eromo, this is an e-mail to you and Darryl Quan from
22 Sam Elaribi dated October 7, 2009. Do you see that?

23 A. Yes, ma'am.

24 Q. In the e-mail, can you read the first sentence of the
25 e-mail under "hi all."



July 2011:

- Zhenya auto-subscribes Canadian regulator Jason Kerr.



From: Jason Kerr [mailto:jkerr@cwta.ca]
Sent: Thursday, July 21, 2011 12:17 PM
To: Michael Paj
Cc: Robert Charney; Laura Shirley; Fraser Thompson; Short Code
Subject: RE: Customer Service Inquiry - 20409
Importance: High

Hi Michael,

This user is me. It is my mobile phone and it was spammed.

The 3 messages arrived from 20409 while I was in the shower this morning. I received them in this order; the PIN message, the content message, then the welcome message.

Upon further investigation, four (4) of our test handsets, one each on TELUS, Bell, Virgin, and SaskTel also received these 3 salvos of messages unsolicited – there were no online opt-ins or PIN entries.

From: Michael Paj [mailto:Michael.paj@mobilemessenger.com]
Sent: July 21 2011 3:32 PM
To: Jason Kerr
Cc: Robert Charney; Laura Shirley; Fraser Thompson; Short Code
Subject: RE: Customer Service Inquiry - 20409

Jason,

I will immediately suspend all activity on these short codes.

Fraser is working on the Client information with all haste and we will have this to by the deadline.

Regards,
Michael Pajackowski
Vice President: Carrier Operations & Consumer Protection
MOBILEMESSENGER

From: Michael Paj <michael.paj@mobilemessenger.com>

To: Jason Kerr <jkerr@cwta.ca>

Cc: Robert Charney <robert.charney@mobilemessenger.com>, Laura Shirley <lshirley@cwta.ca>, Fraser Thompson <fraser.thompson@mobilemessenger.com>, Short Code <shortcodes@cwta.ca>, Darcy Wedd <darcy.wedd@mobilemessenger.com>

Date: Thu, 21 Jul 2011 16:33:30 -0400

Dear Jason,

All billing and new subscriber acquisition is now blocked for short codes 34788 and 20409. Our staff are standing by for further instructions as per your email.

Here is the company information as requested:

Company Name: Norp Pty Ltd.

Contact Name: Stephen O'Sullivan (email: so'sullivan@alliedgold.com.au)

Contact Address: Level 14, 275 Alfred Street, North Sydney, NSW 2060, Australia

I have reviewed this escalation with Darcy and the decision has been made to block all billing and new subscriber acquisition for any short codes operated by Norp Pty Ltd. The blocking will remain in place as well as withholding of payments until this investigation is completed.

The short codes operated by Norp Pty Ltd are: 34788, 20409, 22636 & 65491.

Mobile Messenger is taking this escalation very seriously, so please do not hesitate in contacting me if you need any more information.

Regards,

Michael Pajackowski

Vice President: Carrier Operations & Consumer Protection

MOBILEMESSENGER

Late January 2012:

- Wedd, Paj, and Eromo discuss a scheme to auto-subscribe with Zhenya.



H8L3WED5

Eromo - Direct

Page 1308

1 Q. What do you recall about that?

2 A. After the name Zhenya was thrown out and there was a
3 comfort level nodding of heads between the three people in the
4 meeting, myself, Darcy and Paj, then we started talking about
5 how it has to be on the aggregation side, new companies
6 probably have to be set up on the aggregation side. Let's get
7 on the phone with him.

8 Q. All right. You just mentioned that there was discussion
9 about new companies being set up on the aggregation side. What
10 do you mean by that?

11 A. The fact that Zhenya was on the full service side, we knew
12 that our idea to auto-subscribe with him wouldn't work on the
13 full service side. It had to be on the aggregation side.

14 Q. What would the role of new companies be in that process?

15 A. Understood. The conversation we were having around his
16 current set of companies was that his companies had revenues
17 under those companies in the millions of dollars billing on a
18 monthly basis. So, we wanted to have him create companies on
19 the agg -- or new companies that have nothing to do with his
20 current set of companies on the full service platform, that
21 have no connection to him, so that there is a separation, just
22 in case anything happened with the auto-subscription on the
23 aggregation platform.

24 MS. PAUL: Can we have up what's in evidence as
25 Government Exhibit 131, please.



ZHENYA

January 26, 2012:

- Zhenya/Eromo, Wedd/Paj, and Wedd/Zhenya talk via cell phone.



Connection Date (UTC)	Connection Time (UTC)	Connection Time (PST)	Elapse Time	Owner of Originating Number	Owner of Terminating Number
1/27/2012	3:01:20 AM	01/26/2012 7:01:20 PM	0:33	Michael Pajaczkowski	Darcy Wedd
1/27/2012	4:43:34 AM	01/26/2012 8:43:34 PM	13:28	Eugeni "Zhenya" Tsvetnenko	Erdolo Eromo
1/27/2012	4:55:20 AM	01/26/2012 8:55:20 PM	9:19	Darcy Wedd	Michael Pajaczkowski
1/27/2012	5:10:51 AM	01/26/2012 9:10:51 PM	31:10	Darcy Wedd	Eugeni "Zhenya" Tsvetnenko

ZHENYA

January 27, 2012:

- Paj sends Eromo projected figures for the Zhenya auto-subscribing scheme.



Subject: numbers**From:** Spicy Meatball <thats1spicymeatball@gmail.com>**Date:** 1/27/2012 3:17 PM**To:** erdolo <erdolo@gmail.com>

Heads Up

sub	2,000,000
no vzw	1,200,000
@ \$9.99	\$11,988,000.00
@ 85% BR	\$10,189,800.00
@ 15% RR	\$8,661,330.00
@ 65%	\$5,629,864.50
carrier pay	
@ 70%	\$3,940,905.15
advance	
@ 50% share	\$1,970,452.58

E @ 40%	\$788,181.03
P @ 40%	\$788,181.03
J @ 5%	\$98,522.63
D @ 15%	\$295,567.89

LTV

subs	2,000,000
no vzw	1,200,000
@ \$16.71 ave	\$20,053,846.15
LTV	
@ 85% BR	\$17,045,769.23
@ 15% RR	\$14,488,903.85
@ 65%	\$9,417,787.50
carrier pay	
@ 70%	\$6,592,451.25
advance	
@ 50% share	\$3,296,225.63

E @ 40%	\$1,318,490.25
P @ 40%	\$1,318,490.25
J @ 5%	\$164,811.28
D @ 15%	\$494,433.84

February 7, 2012:

- Wedd signs an aggregation contract for CF Enterprises.





m-Qube

Watertown, MA 0247

P: +1 617 673 240

F: +1 617 673 240

Service Order Form for Premium Aggregation**Effective Date:** The date of last signature below.**m-QUBE INFORMATION**

Address for Notices: 311 Arsenal Street, Watertown, MA 02472

Account Representative: TBD

Customer Information

Company:	CF Enterprises PTY LTD	State of Incorporation:	NSW
Address:	Suite 475, Seabridge House, 377 Kent Street, Sydney NSW 2000		
Contact	Clint Nesbitt	Phone:	02 8324 1333
Title:	Director	Fax:	
E-mail:	clint@cf-enter.com	Mobile:	
Type:	<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Additional Service <input type="checkbox"/> Additional Service (i.e. Additional countries or additional Short Code)		
Short Code(s):	TBD		

"CF Enterprises (Prem Agg US)" History

Document created by Jacqui Johnson (jacqui.johnson@mobilemessenger.com)

February 07, 2012 - 6:50 PM GMT - 63.81.132.18

Document emailed to Darcy Wedd (darcy.wedd@mobilemessenger.com) for signature

February 07, 2012 - 6:50 PM GMT

Document viewed by Darcy Wedd (darcy.wedd@mobilemessenger.com)

February 07, 2012 - 6:51 PM GMT - 63.81.132.18

Document esigned by Darcy Wedd (darcy.wedd@mobilemessenger.com)

February 07, 2012 - 6:51 PM GMT - 63.81.132.18

Document emailed to Clinton Nesbitt (clint@cf-enter.com) for signature

February 07, 2012 - 6:51 PM GMT

Document viewed by Clinton Nesbitt (clint@cf-enter.com)

February 08, 2012 - 4:55 AM GMT - 103.29.216.153

Document esigned by Clinton Nesbitt (clint@cf-enter.com)

February 08, 2012 - 4:57 AM GMT - 103.29.216.153

Signed document emailed to all eligible parties

February 08, 2012 - 4:57 AM GMT

ZHENYA

Late January – Early February, 2012:

- Eromo and Thompson discuss the Zhenya auto-subscribing scheme.



1/27/2012	6:26:26 PM	01/27/2012 10:26:26 AM	0:00	Fraser Thompson	Michael Pajaczkowski
1/27/2012	6:26:40 PM	01/27/2012 10:26:40 AM	0:15	Fraser Thompson	Michael Pajaczkowski
1/27/2012	6:38:18 PM	01/27/2012 10:38:18 AM	0:11	Michael Pajaczkowski	Fraser Thompson
1/27/2012	10:48:54 PM	01/27/2012 2:48:54 PM	2:11	Michael Pajaczkowski	Darcy Wedd
1/27/2012	10:55:56 PM	01/27/2012 2:55:56 PM	0:00	Michael Pajaczkowski	Fraser Thompson
1/27/2012	10:58:41 PM	01/27/2012 2:58:41 PM	3:29	Fraser Thompson	Michael Pajaczkowski
1/30/2012	12:35:14 AM	01/29/2012 4:35:14 PM	0:00	Fraser Thompson	Darcy Wedd
1/30/2012	12:42:49 AM	01/29/2017 4:42:49 PM	0:00	Darcy Wedd	Fraser Thompson
1/30/2012	12:43:11 AM	01/29/2012 4:43:11 PM	0:04	Darcy Wedd	Fraser Thompson
1/30/2012	12:47:55 AM	01/29/2012 4:47:55 PM	2:16	Fraser Thompson	Darcy Wedd
1/31/2012	11:30:24 PM	01/31/2012 3:30:24 PM	0:06	Darcy Wedd	Fraser Thompson
1/31/2012	11:31:43 PM	01/31/2012 3:31:43 PM	2:09	Fraser Thompson	Darcy Wedd
2/2/2012	1:57:25 AM	02/01/2012 5:57:25 PM	9:51	Fraser Thompson	Erdolo Eromo
2/2/2012	2:09:30 AM	02/01/2012 6:09:30 PM	0:00	Fraser Thompson	Michael Pajaczkowski
2/3/2012	8:37:00 PM	02/03/2012 12:37:00 PM	12:09	Erdolo Eromo	Fraser Thompson
2/7/2012	8:15:31 PM	02/07/2012 12:15:31 PM	0:03	Fraser Thompson	Erdolo Eromo
2/7/2012	8:16:24 PM	02/07/2012 12:16:24 PM	5:09	Fraser Thompson	Erdolo Eromo
2/7/2012	8:22:01 PM	02/07/2012 12:22:01 PM	12:43	Fraser Thompson	Michael Pajaczkowski
2/7/2012	8:36:34 PM	02/07/2012 12:36:34 PM	0:00	Fraser Thompson	Darcy Wedd
2/7/2012	9:05:02 PM	02/07/2012 1:05:02 PM	6:14	Fraser Thompson	Erdolo Eromo
2/7/2012	9:48:38 PM	02/07/2012 1:48:38 PM	5:26	Darcy Wedd	Fraser Thompson
2/8/2012	6:55:18 PM	02/08/2012 10:55:18 AM	0:00	Fraser Thompson	Darcy Wedd
2/9/2012	12:50:20 AM	02/08/2012 4:50:20 PM	0:05	Fraser Thompson	Erdolo Eromo
2/9/2012	1:01:26 AM	02/08/2012 5:01:26 PM	18:18	Erdolo Eromo	Fraser Thompson
2/9/2012	1:22:58 AM	02/08/2012 5:22:58 PM	0:59	Erdolo Eromo	Fraser Thompson

10 So we met up at Starbucks. I explained to him how we
11 were looking at getting and setting up our own content
12 providers to run the offers on the full service platform. I
13 also explained to him how Michael Paj had created an
14 auto-subscription playbook from -- and the way he was able to
15 create this playbook was because of his position at Mobile
16 Messenger with consumer protection. They created a system to
17 catch individuals that were auto-subscribing, and within that
18 system it tracked the -- like a bell curve, the normal activity
19 of what true two-factor authentication would look like. And I
20 explained to him how Paj had created a system to mimic all of
21 this, and that we would potentially do this with Zhenya.
22 Q. When you explained to Mr. Thompson that Paj had created
23 this auto-subscription playbook, what was his response?
24 A. Fraser's far more technical than I am, so he's asking me
25 some technical questions that I couldn't answer. He was

H8L3WED5

Eromo - Direct

Page 1313

1 curious, he was interested, and he wanted to find out more, and
2 find out how we could all work together.



February 13, 2012:

- Eromo sends an email reminder to himself to "Talk to Fraser about CF Enterprises".



From: Erdolo Eromo <erdolo@yahoo.com>
Sent: Monday, February 13, 2012 6:10 PM
To: Erdolo Eromo
Subject: Talk to Fraser about CF enterprises

ZHENYA

February 14, 2012:

- Thompson creates Ocean Tactics LLC.





**State of California
Secretary of State**

LLC-1

File #

201206210244

**LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION**

FILED

In the office of the Secretary of State
of the State of California

FEB 14 2012

A \$70.00 filing fee must accompany this form.

IMPORTANT – Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," or the abbreviations "LLC" or "L.L.C." The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co.," respectively.)

1. NAME OF LIMITED LIABILITY COMPANY

Ocean Tactics, LLC

ZHENYA

Mid-February 2012:

- Thompson joins in-office discussions about the scheme to auto-subscribe with Zhenya.



17 Q. Did Mr. Thompson suggest any methods to avoid detection
18 from auto-subscribing with Zhenya?

19 A. Yes, he did.

20 Q. What did he suggest?

21 A. He suggested that, instead of e-mailing the data files to
22 Zhenya that I set up, I create another alias e-mail address and
23 store the e-mail files in the draft section so I could then
24 provide the log-in credentials to the e-mail account to Zhenya,
25 and there wouldn't be any direct evidence of me e-mailing those

H8gnwed3

Pajackowski - direct

Page 510

1 files to him. It would just be an open account that he would
2 access.

3 Q. How in your mind would setting up an e-mail account and
4 saving those files in the drafts, in a draft e-mail help avoid
5 detection?

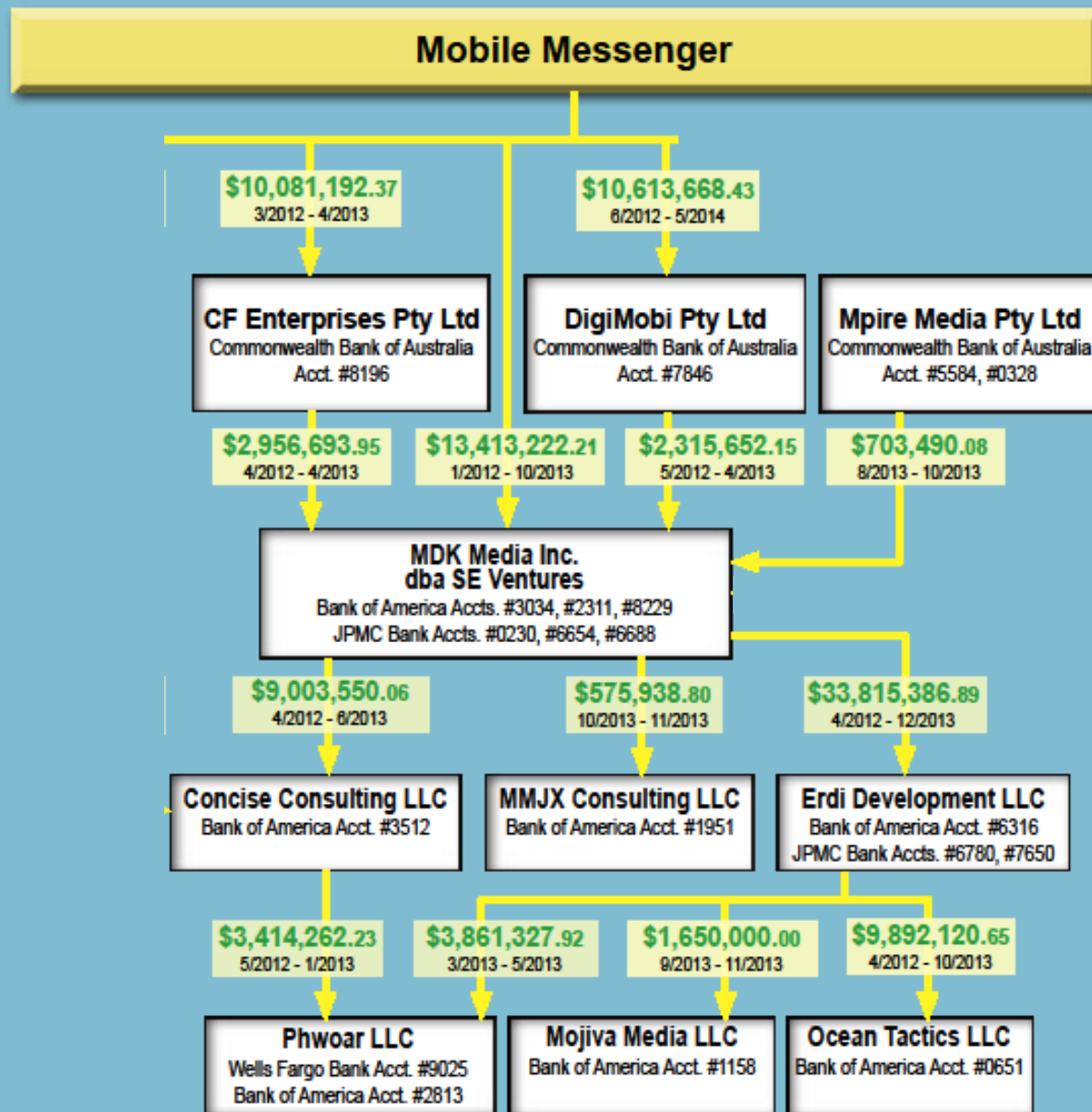
6 A. It would provide a sense of plausible deniability. You
7 could say that I never sent those e-mails. He got access to
8 them to other way.



May 2012:

- Eromo, Paj, Wedd, and Thompson begin to receive their cut of the auto-subscribing money.

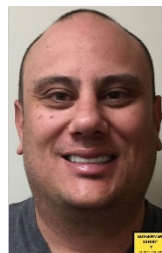




**GOVERNMENT
EXHIBIT
1401**

Case 1:15-cr-00616-KBF

Date 12/26/2011
Invoice # 5



CUSTOMER

Lin Miao
TattoMedia
10 High Street, Suite 900
Boston, MA 02111
Direct: 617.236.8005 Ext: 2001

Date	Description	Hourly Rate	Number of Hours	Total
31-Oct-2011	Management and Consulting Services	\$250	20	\$5,000.00
7-Nov-2011	Management and Consulting Services	\$250	20	\$5,000.00
14-Nov-2011	Management and Consulting Services	\$250	200	\$50,000.00
21-Nov-2011	Management and Consulting Services	\$250	200	\$50,000.00
28-Nov-2011	Management and Consulting Services	\$250	200	\$50,000.00
5-Dec-2011	Management and Consulting Services	\$250	200	\$50,000.00
12-Dec-2011	Management and Consulting Services	\$250	200	\$50,000.00
19-Dec-2011	Management and Consulting Services	\$250	200	\$50,000.00

Total \$310,000.00

To: Maria Bokaris[therealconciseconsulting@gmail.com]
Cc: SE Ventures[seventuresinc@gmail.com]
From: SE Ventures
Sent: 2012-10-09T20:22:48Z
Importance: Normal
Subject: Invoices Needed
Received: 2012-10-09T20:22:50Z



Hello.

I need an invoice for the month of Sept. for the following amounts which need to be broken down on one invoice or you can send them as separate invoices:

- 853,452.66 for Sept consulting
- 12,510.54 for online marketing / traffic

Ocean Tactics, LLC
767 Haverford Ave
Pacific Palisades, California 90272
United States
Tel: 424-229-2652



Bill to:
Erdi Development
Erdolo Eromo
3774 Degnan Blvd
Los Angeles, California 90018
United States
erdolo@yahoo.com

Invoice number: 00008
Invoice date: September 10, 2012
Due date: September 25, 2012
Amount due (USD): \$0.00

SERVICE	QTY	PRICE	AMOUNT
Consulting Consulting Professional Services	1	\$503,186.83	\$503,186.83



SE VENTURES
879 W 190th st Gardena, Ca 90248

Invoice No. 151

INVOICE

Customer

Name Digimobi
Address _____
City _____ State _____ ZIP _____
Phone carl.digimobi@gmail.com

Misc

Date 6/22/2012
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
1	Consulting	\$ 81,670.38	\$ 81,670.38

- 1 Q. If you can look in the chart under description, what does
2 it say for each of the lines?
3 A. Management and consulting services.
4 Q. Why did you put that in there?
5 A. Because I didn't want to write fees for auto-subscription.
6 Q. Did you actually provide management and consulting services
7 to Mr. Miao?
8 A. I did not, no.
9 Q. What was the money for?
10 A. It was for the list of phone numbers I gave him to
11 auto-subscribe.
12 Q. There is a column for hourly rate and a column for number
13 of hours.
14 Do you see that?
15 A. Yes, I do.
16 Q. Did you actually provide services at an hourly rate and for
17 a particular number of hours?
18 A. I did not.
19 Q. Do these numbers bear any relation to the actual work you
20 were doing? The hourly rate and the number of hours listed.
21 A. They did not, no.
22 THE COURT: The dates on the far left where it says 31
23 October, 2011, etc. -- did those correspond to dates upon which
24 you actually gave them information, or are those just made-up
25 dates?



- 1 BY MS. PAUL:
2 Q. Again, here the description says "consulting."
3 Do you see that?
4 A. Yes, ma'am.
5 Q. Had Zhenya provided Digi any consulting services?
6 A. No, ma'am.
7 Q. Why does the description say "consulting"?
8 A. We were trying to hide the fact that we were
9 auto-subscribing.
10 Q. What's the total amount of this invoice?
11 A. \$81,670.38.
12 Q. What does that reflect?
13 A. It reflects auto-subscription.
14 Q. Does that reflect the 30 percent cut that the four of you
15 were owed?
16 A. Yes, it does.
17 Q. For whatever period of time this invoices covers?
18 A. Yes, ma'am.
19 Q. How often approximately did you ask Mak to send out
20 invoices of this type to DigiMobi?
21 A. Weekly, as well as monthly.
22 Q. Are those other invoices also contained within this
23 document, which is Government Exhibit 704?
24 A. Yes, there are.
25 Q. Can you take a look at page 11 of this document.



July – September 2012:

- Vianney Willot, Gloria Bermudez, and Wendy Jagger, along with other consumers, are auto-subscribed by CF Enterprises and DigiMobi.



44	910	Vianney Willot	Michigan	517	7/26/2012	11:49 AM	Not Listed	PREM_SMS 91845 Numerology	91845	\$9.99	Page 5
45	910	Vianney Willot	Michigan	517	8/26/2012	12:17 PM	Not Listed	PREM_SMS 91845 Numerology	91845	\$9.99	Page 12
46	910	Vianney Willot	Michigan	517	9/26/2012	12:14 PM	Not Listed	PREM_SMS 91845 Numerology	91845	\$9.99	Page 20
48	911	Wendy Jagger	Indiana	765	8/1/2012	5:16 PM	Not Listed	PREM_SMS 71535 Mobile Toney	71535	\$9.99	Page 14
49	943	Gloria Bermudez	Bronx, New York	646	7/13/2012	6:24 PM	CF Enterprises	8004166129 HrMeMobl 29104	29104	\$14.99	Page 5

Late August 2012:

- Thompson learns that Marc Ouellette has been auto-subscribed by DigiMobi.



To: Fraser Thompson[fraser.thompson@mobilemessenger.com]
From: Marc Ouellette
Sent: 2012-08-27T12:57:29Z
Importance: Normal
Subject: FW: SC 71535 double opted me in
Received: 2012-08-27T12:57:31Z

Not sure if this is a big deal or not.

Marc Ouellette
 Director of Provisioning and Certification
MOBILEMESSENGER

From: Marc Ouellette
Sent: Monday, August 27, 2012 8:54 AM
To: Jonathan Murad
Subject: SC 71535 double opted me in

Hi Jon,

I was double opted into SC 71535 yesterday with zero interaction on my end. Not sure if it was the client doing this or if someone mistook my phone # for a test MIN. Just want to bring it to your attention.

+	Aug 26, 2012 3:21:07 PM	prod-smsgw3	DIGIM_71535_MBLTNZA_999_S	NO_VALUE	V
+	Aug 26, 2012 3:21:07 PM	prod-smsgw3	DIGIM_71535_MBLTNZA_999_S	NO_VALUE	BS2_OU
+	Aug 26, 2012 3:21:06 PM	prod-smsgw4	DIGIM_71535_MBLTNZA_999_S	CONTENT	V
+	Aug 26, 2012 3:21:06 PM	prod-smsgw4	DIGIM_71535_MBLTNZA_999_S	CONTENT	MT_S
+	Aug 26, 2012 3:21:05 PM	prod-smsgw2	DIGIM_71535_MBLTNZA_999_S	CONTENT	WSGW
+	Aug 26, 2012 3:21:03 PM	prod-smsgw2	DIGIM_71535_MBLTNZA_999_S	PURCHASE	WSGW

H8M3WED3

Eromo - Direct

Page 1469

1 forwarding him in the e-mail we just talked about.

2 Q. On the same date, August 27, 2012?

3 A. Yes, ma'am, same date.

4 Q. You testified that you saw this e-mail. What do you recall
5 about the circumstances of that?

6 A. It was early morning that day. I was in our Los Angeles
7 office in Culver City. Fraser came in that morning, beelined
8 to my office, closed the door, put his bag down and was pacing
9 really fast back and forth. And he proceeded to tell me about
10 this e-mail and said, you know, he got auto-subscribed, Marc
11 Ouellette is telling me he got auto-subscribed. I thought we
12 had a system in place where people do not get auto-subscribed
13 that are not supposed to get auto-subscribed.

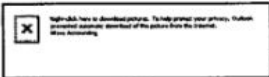


September 2012:

- Eromo, Paj, Wedd, and Thompson continue to receive their cut of the auto-subscribing money.



From: Ocean Tactics <fraser@oceantactics.com@waveaccounting.com> on behalf of Ocean Tactics, LLC <fraser@oceantactics.com>
Sent: Sunday, September 9, 2012 9:38 PM
To: erdolo@yahoo.com
Subject: Invoice from Ocean Tactics, LLC



Hello Erdolo Eromo,

Ocean Tactics, LLC has sent you an invoice.

Invoice payable on or before: 2012-09-25
Invoice amount: \$503,186.83 (USD - U.S. dollar)

Message from Ocean Tactics, LLC:

Thank you

[View the Invoice](#)

Ocean Tactics, LLC
 767 Haverford Ave
 Pacific Palisades, California 90272
 United States
 Tel: 424-229-2652

Bill to:
Erdi Development
Erdolo Eromo
 3774 Degnan Blvd
 Los Angeles, California 90018
 United States
 erdolo@yahoo.com

Invoice number: 00008
Invoice date: September 10, 2012
Due date: September 25, 2012
Amount due (USD): \$0.00

SERVICE	QTY	PRICE	AMOUNT
Consulting Consulting Professional Services	1	\$503,186.83	\$503,186.83

Total (USD): \$503,186.83
Payments
September 11, 2012: \$503,186.83
Total Paid (USD) \$503,186.83

Amount Due
\$0.00

**GOVERNMENT
EXHIBIT
806**

S2 15 Cr. 616 (KBF)

**GOVERNMENT
EXHIBIT
1606**

S3 15 Cr. 616 (KBF)

Aug-12Total Income from CF:

344,297.76

5% of Total to SE:

17,214.88

Total Expenses:

0

Amount Owed:

327,082.88

Profit Split:

25% to Erdi:

81,770.72

50% to Concise:

163,541.44

25% to Erdolo:

81,770.72

Digimobi Income Spreadsheet - Cash Basis

<u>Jun-12</u>	<u>Jul-12</u>	<u>Aug-12</u>
81,670.38	279,202.93	421,155.23
4,083.52	13,960.15	21,057.76
0.00	0.00	0
77,586.86	265,242.78	400,097.47
19,396.71	66,310.69	100,024.36
38,793.42	132,621.38	200,048.73
19,396.71	66,310.69	100,024.36
25%to Erdi	35,600.99	
50% to Concise	71,201.98	
25% to Erdolo	35,600.99	

SE Ventures BofA Financials - Cash BasisAug-12Total Income from MM:

636,616.63

5% of Total to SE:

31,830.83

Total Expenses:

323,848.72

Amount Owed:

280,937.08

Profit Split:

25% to Erdi:

70,234.27

50% to Concise:

140,468.54

25% to Erdolo:

70,234.27

Aug-12Total Income from Mindkontrol:

501,430.46

1% of Total to SE:

5,014.30

Total Expenses:

0

Amount Owed:

496,416.16

Profit Split:

25% to Erdi:

124,104.04

50% to Concise:

248,208.08

25% to Erdolo:

124,104.04

Anacapa Media Spreadsheet - Cash BasisAug-12Total Income from MM:

535,247.85

5% of Total to Anacapa:

26,762.39

Total Expenses:

271.70

Amount Owed:

508,213.76

Profit Split:

25% to Erdi:

127,053.44

50% to Concise:

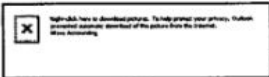
254,106.88

25% to Erdolo:

127,053.44

GX 824A: CF Money Owed to Thompson	\$81,770.72 (auto-subscribing \$)
GX 824B: Digi Money Owed to Thompson	\$100,024.36 (auto-subscribing \$)
GX 824C: SE Ventures Money Owed to Thompson	\$70,234.27
GX 824D: MindKontrol Money Owed to Thompson	\$124,104.04
GX 824E: Anacapa Money Owed to Thompson	\$127,053.44
Total Money Owed to Thompson	\$503,186.83

From: Ocean Tactics <fraser@oceantactics.com@waveaccounting.com> on behalf of Ocean Tactics, LLC <fraser@oceantactics.com>
Sent: Sunday, September 9, 2012 9:38 PM
To: erdolo@yahoo.com
Subject: Invoice from Ocean Tactics, LLC



Hello Erdolo Eromo,

Ocean Tactics, LLC has sent you an invoice.

Invoice payable on or before: 2012-09-25
Invoice amount: \$503,186.83 (USD - U.S. dollar)

Message from Ocean Tactics, LLC:

Thank you

[View the Invoice](#)

Ocean Tactics, LLC
 767 Haverford Ave
 Pacific Palisades, California 90272
 United States
 Tel: 424-229-2652

Bill to:
Erdi Development
Erdolo Eromo
 3774 Degnan Blvd
 Los Angeles, California 90018
 United States
 erdolo@yahoo.com

Invoice number: 00008
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Total (USD): \$503,186.83
Payments
September 11, 2012: \$503,186.83
Total Paid (USD) \$503,186.83

Amount Due
\$0.00

Combined Statement

Page 6 of 8 000211872311

Statement Period

09/01/12 through 09/30/12

E0 E PB EB 51

MDK MEDIA INC
DBA SE VENTURES

09/10	503,186.33	Wire Type:Book Out Date:120910 Time:1318 Et Trn:2012091000210705 Related Ref:83307508 Bnf:Erdi Development, Llc ID:000502776316
09/10	20.00	Wire Transfer Fee
09/10	20.00	Wire Transfer Fee
09/11	1,006,373.66	Wire Type:Book Out Date:120911 Time:1613 Et Trn:2012091100238586 Related Ref:01120911002996Nn Bnf:Concise Consulting Inc ID:000057733512

ERDI DEVELOPMENT, LLC

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 Statement Period
 09/01/12 through 09/30/12
 E0 E PB EB 51

Account Number 0005 0277 6316

Withdrawals and Debits**Other Debits**

Date Posted	Amount (\$)	Description
09/10	12.00	Wire Transfer Fee
09/11	503,186.83	Wire Type:Book Out Date:120911 Time:1158 Et Trn:2012091100160679 Related Ref:83373000 Bnf:Ocean Tactics, Llc ID:000914020651 Pmt Det:Con Sulting



CONCISE CONSULTING INC

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Combined Statement

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Statement Period

09/01/12 through 09/30/12

E0 P PA 0 A 51

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Withdrawals and Debits - Continued**Other Debits**

09/13	251,593.40	Transfer Concise Consulting I:Phwoar Llc Confirmation# 2753540393
09/13	251,593.40	Transfer Concise Consulting I:Phwoar Llc Confirmation# 2753540616

ASSIGNMENT OF RIGHTS BETWEEN SE VENTURES, INC. AND CF ENTERPRISES PTY LTD

SE Ventures wishes to assign CF Enterprises the benefit of all its rights under the Service Order with respect to short code 49734; and

3. CF Enterprises will make a one-time payment of \$30,000 to Mobile Messenger US within 30 days of the date of this agreement. After Mobile Messenger US receives the payment, Mobile Messenger US will make a one-time payment of \$25,000 to SE Ventures.

TATTO COUNTS



Count One: Wire Fraud Conspiracy

Count Two: Wire Fraud

Count Three: Aggravated Identity Theft

Count Four: Money Laundering Conspiracy

ZHENYA COUNTS



Count Five: Wire Fraud Conspiracy

Count Six: Wire Fraud

Count Seven: Aggravated Identity Theft

Count Eight: Money Laundering Conspiracy

VENUE

